



**BALTIMORE CITY COUNCIL
ECONOMIC AND COMMUNITY DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

September 24, 2024

2:07 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

24-0506

Mannaged Natural Landscapes

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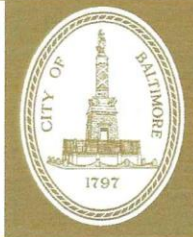
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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 24-0506

Title: Managed Natural Landscapes

Sponsor: Council Member Conway

Introduced: October 18th, 2021

Purpose: FOR the purpose of permitting certain plants and grasses to exceed 8 inches in height under certain circumstances; requiring the promulgation of certain regulations; defining certain terms; and generally relating to managed natural landscapes.

Agency Reports

City Solicitor	Approve for form & Sufficiency
Dept Housing & Community Development	Unfavorable
Dept Public Works	Defers to Housing & Community Development
Dept Recreation & Parks	Defers to Planning & Sustainability
Dept Finance	Does not Oppose
Dept Health	Unfavorable
Housing Authority of Baltimore City	No Objection
Office of Sustainability	

Analysis

Background

City Law

The Baltimore City Health Code Title 5 Subtitle 7 – provides for weed control in the City. It outlines who is responsible for maintaining lawns and landscaping and what their responsibilities are.

Presently the Code requires those in charge of land in the city to keep grass, weeds, & other rank vegetation below a height of 8 inches (below 4 inches in areas abutting sidewalks, gutters,

or alleys). Land is also required to be cleared of noxious weeds – with defined methods of removal.

If there is a violation of this subtitle – the health commissioner is permitted to issue a notice to the person in charge of the land in question. If the violation is not resolved within 10 days the Department of Public Works may be notified to correct the problem at the expense of the person in charge of the land.

The article provides for the cost of this to be used as a lien on the property. It also provides for citations by the Environmental Control Board and for penalties to be imposed.

Bill Analysis

This bill if enacted would make an exception to the 8 inch height rule for landscapes which are considered Managed Natural Landscapes – which would under the code mean - planned, intentional, and maintained plantings of native or non – native grasses, wildflowers, forbs, ferns, shrubs, or trees, including rain gardens, meadow vegetation, and ornamental plants.

This new definition would exclude any noxious weeds, unintended vegetation, plantings which are considered to be harmful to the public health or may cause injury or damage to persons or property in violation of the Building, Fire & other Related Codes Article.

Agency Reports

The Department of Housing and Community Development is unfavorable to this bill – their primary objection to it relates to their inspectors capacity to properly identify these types of gardens which would constitute a managed natural landscape. They note that their inspectors are not trained in identifying these types of gardens and believe that the implementation of this bill could have operational and fiscal impacts on the department. DHCD recognizes that the bill will primarily place more responsibility on the Health Department as they are the primary investigators on these matters but DHCD can be call to help in enforcement actions.

The Department of Health is also unfavorable to this bill – for reasons similar to DHCD. Their Sanitarians are not trained in plant identification and they do not feel that they have the capacity to properly investigate and make determinations about managed natural landscapes.

The Department of Finance is not opposed but does estimate an initial training cost of \$11,560 and foresees the need for continued funding for additional training/ training of new inspectors. However they believe that the budget can accommodate these cost.

The Department of Public Works recommends removing 5-703(A)6 from the legislation due to what it sees as an overly broad definition of rain garden.

Additional Materials

This bill has the support of Blue Water Baltimore – a local nonprofit whose stated mission is to restore the quality of Baltimore’s rivers, streams and Harbor to foster a healthy environment, a strong economy and thriving communities. Their testimony notes that native plants reduce stormwater pollution, provide food and critical habitat for species in the city and are a part of a healthy and functioning ecosystem.

Additional Information

Fiscal Note: \$11,560 for inspector training plus additional funds for ongoing and new staff training in the future

Information Source(s): Agency Reports, 24-0506 1st reader, written testimony

Analysis by: Anthony Leva
Analysis Date: September 19, 2024

Direct Inquiries to: 410-396-1091

**CITY OF BALTIMORE
COUNCIL BILL 24-0506
(First Reader)**

Introduced by: Councilmembers Conway, Burnett, Middleton, Dorsey, and Torrence

Introduced and read first time: April 8, 2024

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Housing and Community Development, Housing Authority of Baltimore City, Health Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Managed Natural Landscapes**

3 FOR the purpose of permitting certain plants and grasses to exceed 8 inches in height under
4 certain circumstances; requiring the promulgation of certain regulations; defining certain
5 terms; and generally relating to managed natural landscapes.

6 BY repealing and re-ordaining, with amendments,

7 Article - Building, Fire, and Related Codes

8 Section 2-103 (IPMC § 305.2.1)

9 Baltimore City Revised Code

10 (Edition 2000)

11 BY repealing and re-ordaining, with amendments,

12 Article - Health

13 Section 5-702

14 Baltimore City Revised Code

15 (Edition 2000)

16 BY renumbering

17 Article - Health

18 Sections 5-703 to 5-705

19 to be

20 New sections 5-704 to 5-706

21 Baltimore City Revised Code

22 (Edition 2000)

23 By adding

24 Article - Health

25 New section 5-703

26 Baltimore City Revised Code

27 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 24-0506

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article – Health

Title 5. Nuisance Control

Subtitle 7. Weeds

§ 5-702. Cutting grass, weeds, etc., required.

[No] EXCEPT AS PROVIDED FOR IN § 5-703 {“MANAGED NATURAL LANDSCAPES”} OF THIS SUBTITLE, NO person in charge of any land may allow:

- (1) any grass, weeds, or other rank vegetation on that land to reach a height of 8 inches or more; or
- (2) any grass, weeds, or other rank vegetation on an abutting sidewalk, gutter, or alley to reach a height of 4 inches or more.

§ 5-703. MANAGED NATURAL LANDSCAPES.

(A) DEFINITIONS.

(1) IN GENERAL.

IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) MANAGED NATURAL LANDSCAPE.

“MANAGED NATURAL LANDSCAPE” MEANS A PLANNED, INTENTIONAL, AND MAINTAINED PLANTING OF NATIVE OR NON-NATIVE GRASSES, WILDFLOWERS, FORBS, FERNS, SHRUBS, OR TREES, INCLUDING RAIN GARDENS, MEADOW VEGETATION, AND ORNAMENTAL PLANTS.

(3) MEADOW VEGETATION.

(I) IN GENERAL.

“MEADOW VEGETATION” MEANS GRASSES AND FLOWERING BROADLEAF PLANTS:

- (A) THAT ARE NATIVE TO OR ADAPTED TO THE STATE OF MARYLAND; AND
- (B) THAT ARE COMMONLY FOUND IN MEADOW PLANT COMMUNITIES.

(II) EXCLUSION.

“MEADOW VEGETATION” DOES NOT INCLUDE NOXIOUS WEEDS.

Council Bill 24-0506

1 (4) *NOXIOUS WEED.*

2 (I) *IN GENERAL.*

3 “NOXIOUS WEED” MEANS AN ANNUAL, BIENNIAL, OR PERENNIAL PLANT THAT THE
4 HEALTH COMMISSIONER DESIGNATES TO BE INJURIOUS TO PUBLIC HEALTH, THE
5 ENVIRONMENT, PUBLIC ROADS, CROPS, LIVESTOCK, OR OTHER PROPERTY.

6 (II) *INCLUSIONS.*

7 “NOXIOUS WEED” INCLUDES:

- 8 (A) RAGWEED;
- 9 (B) WILD MUSTARD;
- 10 (C) WILD LETTUCE;
- 11 (D) WILD PARSLEY;
- 12 (E) COMMON THISTLE; AND
- 13 (F) POISON IVY.

14 (5) *ORNAMENTAL PLANTS.*

15 “ORNAMENTAL PLANTS” MEANS GRASSES, PERENNIALS, ANNUALS, AND GROUND
16 COVERS PURPOSEFULLY PLANTED FOR AESTHETIC REASONS.

17 (6) *RAIN GARDEN.*

18 “RAIN GARDEN” MEANS A NATIVE PLANT GARDEN THAT IS DESIGNED:

- 19 (I) TO REDUCE THE AMOUNT OF STORMWATER AND ACCOMPANYING POLLUTANTS
20 FROM ENTERING ANY LOCAL WATERSHED OR OUTFLOW POINT, INCLUDING:
 - 21 (A) A RESERVOIR;
 - 22 (B) A BOG; AND
 - 23 (C) THE OCEAN; AND
- 24 (II) TO AESTHETICALLY IMPROVE REAL PROPERTY.

Council Bill 24-0506

1 (7) *TURF GRASS LAWN.*

2 (1) *IN GENERAL.*

3 “TURF GRASS LAWN” MEANS A PLANTED AREA COMPRISED MOSTLY OF
4 GRASSES COMMONLY USED IN REGULARLY CUT LAWNS OR PLAY AREAS,
5 INTENDED TO BE MAINTAINED AT A HEIGHT OF NO MORE THAN 8 INCHES.

6 (II) *INCLUSIONS.*

7 “TURF GRASS LAWN” INCLUDES A PLANTED AREA DESCRIBED IN
8 SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT IS COMPRISED MOSTLY OF:

9 (A) BLUEGRASS BLENDS;

10 (B) FESCUE BLENDS; AND

11 (C) RYEGRASS BLENDS.

12 (B) *REQUIREMENTS.*

13 (1) *IN GENERAL.*

14 A MANAGED NATURAL LANDSCAPE MAY INCLUDE PLANTS AND GRASSES IN EXCESS OF
15 8 INCHES IN HEIGHT.

16 (2) *EXCLUSIONS.*

17 A MANAGED NATURAL LANDSCAPE:

18 (I) MAY NOT INCLUDE NOXIOUS WEEDS;

19 (II) MUST BE MAINTAINED TO EXCLUDE UNINTENDED VEGETATION;

20 (III) MAY NOT INCLUDE ANY PLANTINGS WHICH, DUE TO LOCATION AND MANNER
21 OF GROWTH:

22 (A) CONSTITUTE A HAZARD TO THE PUBLIC; OR

23 (B) MAY CAUSE INJURY OR DAMAGE TO PERSONS OR PROPERTY WHERE
24 SUCH GROWTH IS IN VIOLATION OF THE CITY BUILDING, FIRE, AND
25 RELATED CODES ARTICLE; AND

26 (IV) MAY NOT INCLUDE A TURF GRASS LAWN LEFT UNATTENDED FOR THE PURPOSE
27 OF RETURNING TO A NATURAL STATE.

Council Bill 24-0506

1 (C) *RULES AND REGULATIONS.*

2 SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY
3 GENERAL PROVISIONS ARTICLE, THE HEALTH COMMISSIONER, IN COLLABORATION WITH
4 THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, SHALL ADOPT AND
5 ENFORCE RULES AND REGULATIONS TO CARRY OUT THIS SECTION.

6 **Article – Building, Fire, and Related Codes**

7 **Part VII. International Property Maintenance Code**

8 **Section 305 Exterior Sanitary Maintenance – General**

9 **305.2 Grass and Weeds**

10 **305.2.1 “Weeds” defined.** In this section, “weeds” includes all plants and vegetation
11 other than:

- 12 1. trees or shrubs, [or]
- 13 2. cultivated flowers and [gardens.] GARDENS, OR
- 14 3. A MANAGED NATURAL LANDSCAPE, AS DESCRIBED IN CITY HEALTH ARTICLE
15 § 5-703 {“MANAGED NATURAL LANDSCAPES”}.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
17 after the date it is enacted.

Economic and Community Development Committee

24-0506

Managed Natural Landscapes

Agency Reports

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

September 5, 2024

The Honorable President
Members of the City Council
c/o Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 24-506 - Managed Natural Landscapes

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 24-506 for form and legal sufficiency. The bill would amend provisions of the Health and Building Codes to permit certain plants and grasses to exceed 8 inches in height under certain circumstances; require the promulgation of certain regulations; define certain terms; and generally relate to managed natural landscapes.

The Mayor and City Council of Baltimore's express powers granted by the General Assembly include the power to pass laws that promote the general welfare and expressly to "prevent and remove nuisances." City Charter, Art. II, §§ (11)(a), (27), (47). Maryland now defines a public nuisance as "an unreasonable interference with a right that is common to all members of the general public." *Tadger v. Montgomery County*, 61 Md. App. 492, 552 (1985); accord *Mayor and City Council of Baltimore v. BP P.L.C.*, 31 F.4th 178, 210 (4th Cir. 2022) (citations omitted).

With this power impliedly comes the authority to clarify and amend what the legislature considers a nuisance. 6A McQuillin Mun. Corp. § 24:68.


Therefore, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,

Ashlea Brown
Chief Solicitor



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Alice Kennedy, Housing Commissioner 
DATE	August 1, 2024
SUBJECT	24-0506 Managed Natural Landscapes

The Honorable President and
Members of the City Council
City Hall, Room 400

8/1/24

Position: Unfavorable

Introduction

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 24-0506 Managed Natural Landscapes for the purpose of permitting certain plants and grasses to exceed 8 inches in height under certain circumstances; requiring the promulgation of certain regulations; defining certain terms; and generally relating to managed natural landscapes.

If enacted, City Council Bill 24-0506 would permit certain plants and grasses to exceed 8 inches in height under certain circumstances. The Bill would also require the Health Commissioner, in collaboration with the Department of Housing and Community Development, to promulgate, adopt and enforce rules and regulations to carry out this new subsection of the code relating to managed natural landscapes. If approved, this Bill will go into effect on the 30th day after the date it is enacted.

Background

Provisions related to weeds, along with other nuisance issues, are primarily under the purview of the Health Department. References to Weeds and the responsibilities of persons in charge of property for cutting grass, and destroying noxious weeds can be found along with other Nuisance Control items in Title 5, Subtitle 7. of the Health Code of Baltimore City, § 5-701. thru - § 5-709.

The Health Code states that it is the responsibility of the property owner for cutting grass and destroying noxious weeds. Every person in charge of any land must keep that land free from ragweeds, wild mustard, wild lettuce, wild parsley, common thistle, milkweed, poison ivy, and all other noxious weeds. Whenever the Commissioner of Health

discovers a violation, the Commissioner may issue a written notice to the person in charge. If the condition is not corrected within 10 days of the notice, the Commissioner may notify the Director of Public Works, who must proceed to correct the condition at the expense of the person in charge. In addition to any other civil or criminal remedy or enforcement procedure, the subtitle may be enforced by issuance of an environmental citation.

DHCD's Code Enforcement Division is dedicated to enforcing the Building, Fire and related Codes (BFRC) of Baltimore City, to ensure the life, health and safety of our residents. Part of that work includes DHCD's Code Enforcement Division, who are, either by response to 311 calls for service, during routine inspections or while patrolling districts, charged with identifying properties that need maintenance attention. DHCD's Code Enforcement Inspector's currently address high grass and weeds in-line with property maintenance requirements covered in our Building, Fire, and Related Codes; *Section 305 Exterior Sanitary Maintenance – General*, which currently requires:

305.2.2 Maintenance requirements. All abutting sidewalks, gutters, and alleys must be maintained free of grass, weeds, or plant growth in excess of 4 inches (102 mm). All other premises and exterior property must be maintained free of grass, weeds, or plant growth in excess of 8 inches (203 mm). All noxious weeds are prohibited.

305.3 Trees and shrubbery. All trees and shrubbery that are dangerous to life and property or that create a fire or traffic hazard must be pruned or removed to eliminate the danger or hazard.

DHCD Analysis

City Council Bill 24-0506 creates a new Subsection in the Health Article for “Managed Natural Landscapes” and would allow property owners to establish “a planned, intentional and maintained planting of non-native grasses, wildflowers, forbs, ferns, shrubs or trees.” The Bill also creates definitions for meadow vegetation, noxious weed, ornamental plants, rain gardens and turf grass lawn.

The Bill will add by cross reference “A Managed Natural Landscape” to the list of maintenance requirements under the International Property Maintenance Code in the BFRC. (Section 2-103 (IPMC § 305.2.1) Baltimore City Revised Code). This may require our Inspectors to determine if the grass, weeds, or plant growth they are inspecting are not just outside of height requirements but to determine plant “type” and if they are permitted under the new section of the Health Code.

The new definitions will be problematic for our Inspectors in the sense that they are first and foremost Housing Code Inspectors, not Maryland Master Naturalists. They are not trained in plant identification and it will be difficult to determine if a complaint of “high grass and weeds” was “planned, intentional and maintained.” Additionally, our inspectors are looking for issues that pose an immediate risk to health, life and safety and do not have the field experience or identification techniques required to distinguish between such factors as; “flowering broadleaf

plants, meadow vegetation native or adapted to the state of Maryland, annual, biennial or perennial plants, ornamental plants, or plants installed for aesthetic reasons.”

As drafted these responsibilities would remain primarily with the Health Department but should we be called upon to assist with enforcement, this legislation would be difficult for us to operationalize and would require additional training around plant identification.

This Bill could have an operational and fiscal impact on DHCD. Our inspectors do not presently have the expertise or capacity to take on this body of work. Our team consist of property maintenance inspectors with a primary focus on life, health, safety and property. We don't employ or have botanist expertise. Finally, high grass and weeds can also pose additional challenges around safety by encouraging illegal dumping and obscuring site lines necessary for public safety.

Recommendations

A more comprehensive and holistic approach including additional partners may be necessary to look at areas suitable for managed natural landscapes before amending our Building and Health Codes. It should be noted that *Bill 24-0507 Study and Report - Infrastructure and Urban Meadows* is still in Committee which is for the purpose of requiring the Baltimore City Administrator, the Baltimore Office of Sustainability, and the Baltimore Commission on Sustainability to submit a report to the Mayor and City Council assessing the costs and benefits of installing and maintaining 100 acres of low-maintenance and self-sustaining native plant communities (otherwise known as “urban meadows”) and mapping vacant lots and existing areas with packed dirt that could be transformed into urban meadows.

Additionally, DHCD’s Office of Neighborhood Development and Outreach manages the Adopt-A-Lot program which allows residents, businesses or neighborhood groups to steward and care for city-owned vacant lots in their community. An Adopt-A-Lot license holder can create community spaces that include, community gardens, clean and green spaces and recreational areas. These partnerships not only reduce the burden on the City to maintain vacant lots but also improve living conditions in our neighborhoods. Perhaps these areas would be better suited for Managed Natural Landscapes.

Conclusion

DHCD is pleased to participate in a hearing on the subject of Managed Natural Landscapes. We recognize that these plantings may provide benefits for the environment including improved air-quality and wildlife biodiversity, and potential benefits to property owners; such as water conservation and reduced maintenance. However, this Bill would be problematic for a number of reasons should enforcement fall to DHCD Code Enforcement Inspectors. We do not presently have the technical expertise nor the capacity to take on this very specific body of work. We work

closely with the Department of Public Works (DPW) to ensure the upkeep and maintenance of lots by routing work orders to the agency for cleaning and cutting services.

DHCD respectfully requests an **unfavorable** report on City Council Bill 24-0506.

Robin Carter
Chairperson, Board of Commissioners

Janet Abrahams
President | Chief Executive Officer



Memorandum

To: The Honorable President and Members of the City Council

C/o Natawna Austin, Executive Secretary

From: Janet Abrahams, Chief Executive Officer

Date: 9/12/2024

Subject: City Council Bill 24-0506 – Managed Natural Landscapes

The Housing Authority of Baltimore City (HABC) has received a referral for comment on City Council Bill 24-0506—Managed Natural Landscapes. This Bill allows certain plants and grasses to exceed 8 inches in height under certain circumstances, requires promulgating specific regulations, defines certain terms, and generally relates to managed natural landscapes.

The impact this Bill would have on HABC appears to be minimal, given that it is not the normal practice at HABC properties to maintain managed natural landscapes. It is the standard practice of HABC to ensure grass, weeds, etc., are kept below the 8-inch requirement. Professional grass-cutting contractors primarily perform grass-cutting for HABC at developments. In the case of Scattered Sites individual dwelling unit properties, the lease requires certain tenants to maintain their grounds with grass and weeds cut below the level specified in this Bill. This is enforced by HABC management.

In conclusion, HABC supports City Council Bill 24-0506 as it has not revealed any findings that would negatively impact normal operations.

Thanks.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "J. Abrahams", is written over a light blue horizontal line.

Janet Abrahams, HABC President & CEO



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Khalil Zaied, Acting Director, Department of Public Works <i>Khalil Zaied</i>
DATE	September 23, 2024
SUBJECT	City Council Bill 24-0506 Managed Natural Landscapes

The Honorable President and
Members of the City Council
City Hall, Room 400

DATE: September 23, 2024

Position: Deferral to The Department of Housing and Community Development.


SUMMARY OF POSITION

City Council Bill 24-0506 proposes allowing certain plants and grasses to exceed 8 inches in height under specific conditions. This bill aims to promote managed natural landscapes, which can include taller plants and grasses, while explicitly excluding noxious weeds such as Ragweed, Wild Mustard, Wild Lettuce, Wild Parsley, Common Thistle, and Poison Ivy. Additionally, the bill includes provisions for rain gardens, defining them as a means to reduce pollutants from stormwater before it enters our watersheds and outflow points, including reservoirs, bogs, and the ocean. Enforcement responsibilities for this legislation would be assigned to the Baltimore City Health Department and the Department of Housing and Community Development.

The Department of Public Works (DPW) is actively engaged in various projects under the Municipal Separate Storm Sewer System (MS4) permit. This federal permit mandates the implementation of Best Management Practices (BMPs) to mitigate and treat stormwater entering our waterways. These BMPs include the construction and maintenance of rain gardens, swales, bumpouts, and micro-retention facilities. Such practices are essential for reducing stormwater runoff and the associated pollutants, including nitrogen, phosphorus, and sediments, which pose significant threats to our waterways. We recommend removing Section 5-703(A)6 on Rain Gardens from the legislation due to what we consider to be an overly broad definition of what constitutes a rain garden.

The Department of Public Works is committed to engaging in discussions about managed landscapes and looks forward to collaborating with the City Council, the administration, and other Baltimore City agencies. We respectfully defer to the Department of Housing and Community Development regarding City Council Bill 24-0506.

cc: Ebony Thompson, City Solicitor
Stephen Salsbury, Deputy Solicitor
Nina Themelis, MOGR
Elena DiPietro, Chief, General Counsel
Hilary Ruley
Desiree Luckey
Michele Toth

F R O M	Name & Title	Mary Beth Haller, Interim Commissioner of Health	Health Department AGENCY REPORT	
	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21202		
	Subject/ Position	24-0506 – Managed Natural Landscapes Unfavorable		

To: President and Members
of the City Council
c/o 409 City Hall

September 17, 2024

The Baltimore City Health Department (BCHD) appreciates the opportunity to review Council Bill 24-0506, entitled “Managed Natural Landscapes.” This bill amends the Building, Fire, and Related Codes Article and the Health Article to allow for certain plants and grasses to exceed 8 inches in height under certain circumstances.

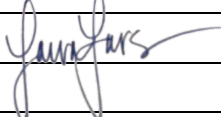
Specifically, this ordinance would allow for plants and grasses exceeding 8 inches in “managed natural landscapes,” defined in the bill as “a planned, intentional, and maintained planting of native or non-native grasses, wildflowers, forbs, ferns, shrubs, or trees, including rain gardens, meadow vegetation, and ornamental plants” that does not contain “noxious weeds” or plantings that “constitute a hazard to the public” or “may cause injury or damage to persons or property.”

As written, the bill would require the newly created section to be enforced by the Commissioner of Health in collaboration with the Department of Housing and Community Development (DHCD). Currently, sections of City Code pertaining to plant height are enforced by DHCD as part of their routine operations, and 311 requests for “weeds” and “grass mowing” on private property are assigned to DHCD for investigation. The Health Department’s Sanitarians, public health specialists who investigate environmental health and safety and enforce relevant regulations, are not trained in plant identification. These specialists are dedicated to inspecting the city’s foodservice establishments, tattoo parlors, swimming pools, and spas, as well as mosquito control and a variety of nuisance complaints including dust, odor, and noise.

At present, BCHD does not have the staff capacity or technical expertise required to enforce this ordinance, and therefore requests an unfavorable report. However, the agency recognizes the potential benefits of allowing managed natural landscapes to be cultivated in Baltimore City, including but not limited to increased habitat for pollinators, stormwater management, and neighborhood beautification, to name a few. As such, BCHD supports further discussion to explore how the aims of this bill may be achieved.



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Laura Larsen, Budget Director 
DATE	9/9/2024
SUBJECT	24-0506 Managed Natural Landscapes

The Honorable President and
Members of the City Council
City Hall, Room 400

Position: Does Not Oppose

The Department of Finance is herein reporting on City Council Bill 24-0506, Managed Natural Landscapes, for the purpose of permitting certain plants and grasses to exceed 8 inches in height under certain circumstances; requiring the promulgation of certain regulations; defining certain terms; and generally relating to managed natural landscapes.

Background

The Building, Fire and related Codes (BFRC) of Baltimore City which is enforced by the Department of Housing and Community Development (DHCD) helps set standards to ensure the life, health, and safety of our residents. Within this code, property owners are prohibited from allowing grasses to grow above 8 inches.

This legislation would allow property owners to create “managed natural landscapes” wherein the plants and grasses are allowed to grow over 8 inches. These “managed natural landscapes” must be cultivated to remove noxious weeds, ornamental plants, and any other unwanted plant or grass as determined by the bill. These “managed natural landscapes” would support pollinators and improve stormwater quality.

Enforcement of this legislation would be handled by the Department of Housing and Community Development (DHCD) with staff in Service 745-Housing Code Enforcement. Successful implementation of this legislation will require additional staff training for Code Enforcement Inspectors.

Fiscal Impact

The legislation allows for native grasses and plants to grow beyond 8 inches. In practice, this would require every Inspector to be able to differentiate between native and invasive plant species, which is beyond existing training for this classification. According to the University of Maryland Extension-Urban Agriculture team, the City could utilize the Stormwater BMP Management certification program to provide training for the Inspectors. The program is a one-time cost that is priced based on participation from organization, and costs between \$170 and \$200 a person. Having 1-2 people take the program from an organization costs \$200, having 3-5 people costs \$185 a person and 6 or more people costs \$170 per person. The Fiscal 2025 budget includes 68 funded Inspector positions. The initial cost of training these positions would be a one-time cost \$11,560, assuming the rate is priced at \$170. Ongoing funding would be needed to provide recurring training and provide training to newly hired staff.

Other Considerations

The bill does not provide a quick path to distinguish between a managed natural landscape and a property with high grass and weeds. The only way an Inspector can distinguish between the two is through inspection. This could prove difficult in implementing this legislation; however, if a registry were to be implemented, it would allow DHCD to more easily distinguish between a managed natural landscape and a property in violation of the code. Only a limited number of Inspectors would need to be trained. This means that in practice, if an Inspection request comes through and it is a property on the registry, it would go to one of the trained Inspectors. Reducing the number of trained Inspectors would reduce the one-time training costs by \$8,840, as well as the costs of training future Inspectors.

Conclusion

We acknowledge the positive environmental impacts of the proposed legislation. Successful implementation will require an ongoing investment in staff training and tracking systems. While the costs of supporting the new legislation can be accommodated in the budget, successful oversight will fall to existing Inspector positions and may contribute to workload issues.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 24-0506.

cc: Michael Mocksten
Nina Themelis

Economic and Community Development Committee

24-0506

Managed Natural Landscapes

Additional Materials



September 23, 2024

Baltimore City Council Bill 24-0506 – Managed Natural Landscapes

Dear President and City Council Members:

Blue Water Baltimore’s mission is to restore the quality of Baltimore’s rivers, streams, and Harbor to foster a healthy environment, a strong economy, and thriving communities. A core part of our work is operating the Herring Run Nursery, which specializes in plants native to Maryland and the Chesapeake Bay watershed. **We write today in strong support of City Council Bill 24-0506 – Managed Natural Landscapes.**

Our non-profit Nursery offers more than 250 native species of trees, shrubs, vines, flowers, and more to retail and wholesale customers alike. **Native plants help reduce stormwater pollution** entering the Chesapeake Bay by reducing nutrient runoff and requiring fewer chemical inputs than non-native plants. Native plants have deeper root systems than non-natives and are better at stabilizing soils and prevent sediment runoff. **Native plants provide critical habitat** and food for butterflies, birds, and pollinators. Ecosystem health is increasingly important with rising concerns over climate change and declining pollinator populations. **Native plants are an integral part of a healthy and functioning ecosystem.**

Blue Water Baltimore understands the necessity of maintaining clean, kempt properties throughout the City in order to promote a healthy environment and better quality of life for residents. We support the Department of Housing and Community Development (DHCD) in their ongoing work to enforce the law regarding excessively tall grass and weeds in residential and commercial areas because this practice targets vacant buildings and unsafe structures that are in disrepair, both of which are blights upon the City that decrease home values and become magnets for illegal dumping and other illicit activity.

However, **managed natural landscapes such as rain gardens, meadows, and other native plant installations must be excluded from these citation practices.** Over the years, Blue Water Baltimore has received many complaints from residents receiving citations related to their native plant gardens because DHCD inspectors incorrectly assumed that these gardens fell into the category of “high grass and weeds” due to the height of the plants. But these properties are not being neglected; on the contrary, they are providing vital pollinator habitat and providing a whole host of environmental and public health benefits for Baltimore communities, including reducing the heat-island effect and improving both stormwater and air quality for our neighborhoods.

City Council Bill 24-0506 will support these efforts by eliminating a major barrier to entry into the world of native plant landscaping in an area that immediately and desperately needs more of these resources.

While the 8-inch height threshold makes sense for typical lawns and weeds that are often found around Baltimore residences because they can be repeatedly mowed down, native plants often won't survive the repeated pruning/mowing required by the existing regulations. **We urge a favorable report on City Council Bill 24-0506 in support of a cleaner, greener, healthier Baltimore City.**

Sincerely,
Mary Lewis
Herring Run Nursery Retail Manager
Blue Water Baltimore